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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Flavio Carrillo,

No. CV-20-00004-TUC-JGZ (LAB)

**Plaintiff,**

## ORDER

V.

## Humana Health Plan Incorporated, et al.,

## Defendants.

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Leslie A. Bowman. (Doc. 30.) Magistrate Judge Bowman recommends that the Court deny Defendant Continental General Insurance Company's Rule 12(b)(6) Motion to Dismiss (Doc. 26) because Plaintiff alleges a legally cognizable theory of relief and includes factual allegations sufficient to support that theory. The parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

Upon review of the record, the Court will adopt Magistrate Judge Bowman's recommendation. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Thomas v. Arn*, 474 U.S. 140, 149–54 (1985). Accordingly,

**IT IS ORDERED** that:

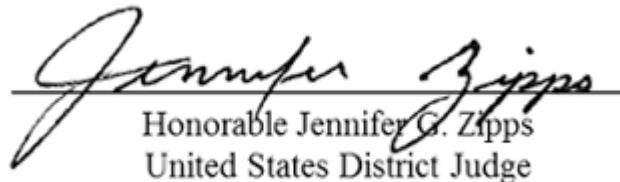
1. Magistrate Judge Bowman's Report and Recommendation (Doc. 30) is  
ADOPTED.

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1           2. Defendant Continental General Insurance Company's Motion to Dismiss  
2 (Doc. 26) is DENIED.

3           Pursuant to the Court's March 10, 2020 Order (Doc. 18), this matter remains  
4 referred to Magistrate Judge Bowman for all pretrial proceedings and report and  
5 recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LR Civ.  
6 72.1 and 72.2.

7           Dated this 25th day of June, 2020.

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11           Honorable Jennifer C. Zppps  
12           United States District Judge  
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